



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DROOG ET AL - 1 PCT DIV

SERIAL NO: 10/706,797 GROUP: 3721

FILED: NOVEMBER 12, 2003 EXAMINER: L. HUYNH

TITLE: BAG FILLING APPARATUS AND METHOD

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP NON FEE AMENDMENT
Commissioner for Patents
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

In response to the Office Action dated March 30, 2004,
Applicant respectfully responds as follows:

The Patent Examiner has required a restriction to one of the following two inventions:

Group 1: Claims, 16-28, drawn to a system and a method for conveying filled bags.

Group 2: Claims, 29-60, drawn to a method for filling and sealing a bag.

ELECTION:

The Applicant respectfully elects Group 2 with traverse, drawn to a method for filling and sealing a bag as set forth in claims 29-60 for further prosecution.

It is believed that the present invention is directed to a unitary inventive concept, namely, bag filling apparatus and method. It is believed that any search for the group embodied in claims 29-60 would necessarily include a search for the group embodied in claims 16-28. Thus, a simultaneous search for all of the groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the groups. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file a divisional patent application for the non-elected invention.

For all these reasons, it is respectfully requested that the Restriction Requirement under 35 U.S.C. 121 be withdrawn, and an action on the merits of all the claims be rendered.

Respectfully submitted,

DROOG ET AL - 1 PCT DIV


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 30, 2004.


Maria Gaustella